

Explanatory Note
Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468)
and
Franciscan Order of Friars Minor (ACN 004 232 633)
and
Capital Syndications Pty Ltd (ACN 099 207 057)
Draft Planning Agreement

Introduction

The purpose of this explanatory note is to provide a plain English summary to support the notification of the draft planning agreement (the **Planning Agreement**) prepared under Subdivision 2 of Division 7.1 of Part 7 of the *Environmental Planning and Assessment Act 1979* (the **Act**).

This explanatory note has been prepared having regard to the Planning Agreements Practice Note and its contents have been agreed by the parties.

Parties to the Planning Agreement

The parties to the Planning Agreement are the Minister administering the *Environmental Planning and Assessment Act 1979* (ABN 20 770 707 468) (the **Minister**) and Franciscan Order of Friars Minor (ACN 004 232 633) and Capital Syndications Pty Ltd (ACN 099 207 057) (the **Developer**).

Description of the Subject Land

The Planning Agreement applies to:

- Lot 3 in Deposited Plan 1213869; and
- Lot 954 in Deposited Plan 1027535,

known as 168 Narellan Road, Campbelltown 2560 (**Subject Land**).

Description of the Proposed Development

The Developer is seeking to subdivide the Subject Land into approximately fifty-seven (57) residential lots and one (1) residue lot to be dedicated to Campbelltown City Council, and associated infrastructure, generally in accordance with the plan in Schedule 7 and DA 1933/2022/DA-SW lodged with Council (**Proposed Development**). The Developer has made an offer to the Minister to enter into the Planning Agreement in connection with the Proposed Development.

An indicative plan of the Proposed Development is at the end of this explanatory note.

Summary of Objectives, Nature and Effect of the Planning Agreement

The Planning Agreement provides that the Developer will make a monetary contribution of \$2,177 per residential lot (subject to indexation in accordance with the Planning Agreement) (**Development Contribution**) for the purposes of the provision of designated State public infrastructure within the meaning of clause 6.1 of *Campbelltown Local Environmental Plan 2015 (LEP)*.

An instalment of the Development Contribution will be payable prior to the issue of each relevant subdivision certificate in accordance with Schedule 4 to the Planning Agreement.

The Developer is required to provide a \$20,000 bank guarantee in accordance with Schedule 5 to the Planning Agreement.

The objective of the Planning Agreement is to facilitate the delivery of the Developer's contributions towards the provision of designated State public infrastructure referred to in clause 6.1 of the LEP.

No relevant capital works program by the Minister is associated with the Planning Agreement.

Assessment of Merits of Planning Agreement

The Public Purpose of the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purpose:

- the provision of (or the recoupment of the cost of providing) public amenities or public services;
- the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land.

The Minister and the Developer have assessed the Planning Agreement and both hold the view that the provisions of the Planning Agreement provide a reasonable means of achieving the public purpose set out above. This is because it will ensure that the Developer makes an appropriate contribution towards the provision of infrastructure, facilities and services.

How the Planning Agreement Promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the provision of infrastructure, facilities and services to satisfy needs that arise from development of the Subject Land.

The Developer's offer to contribute towards the provision of designated State public infrastructure will have a positive impact on the public who will ultimately use it.

Requirements relating to Construction, Occupation and Subdivision Certificates

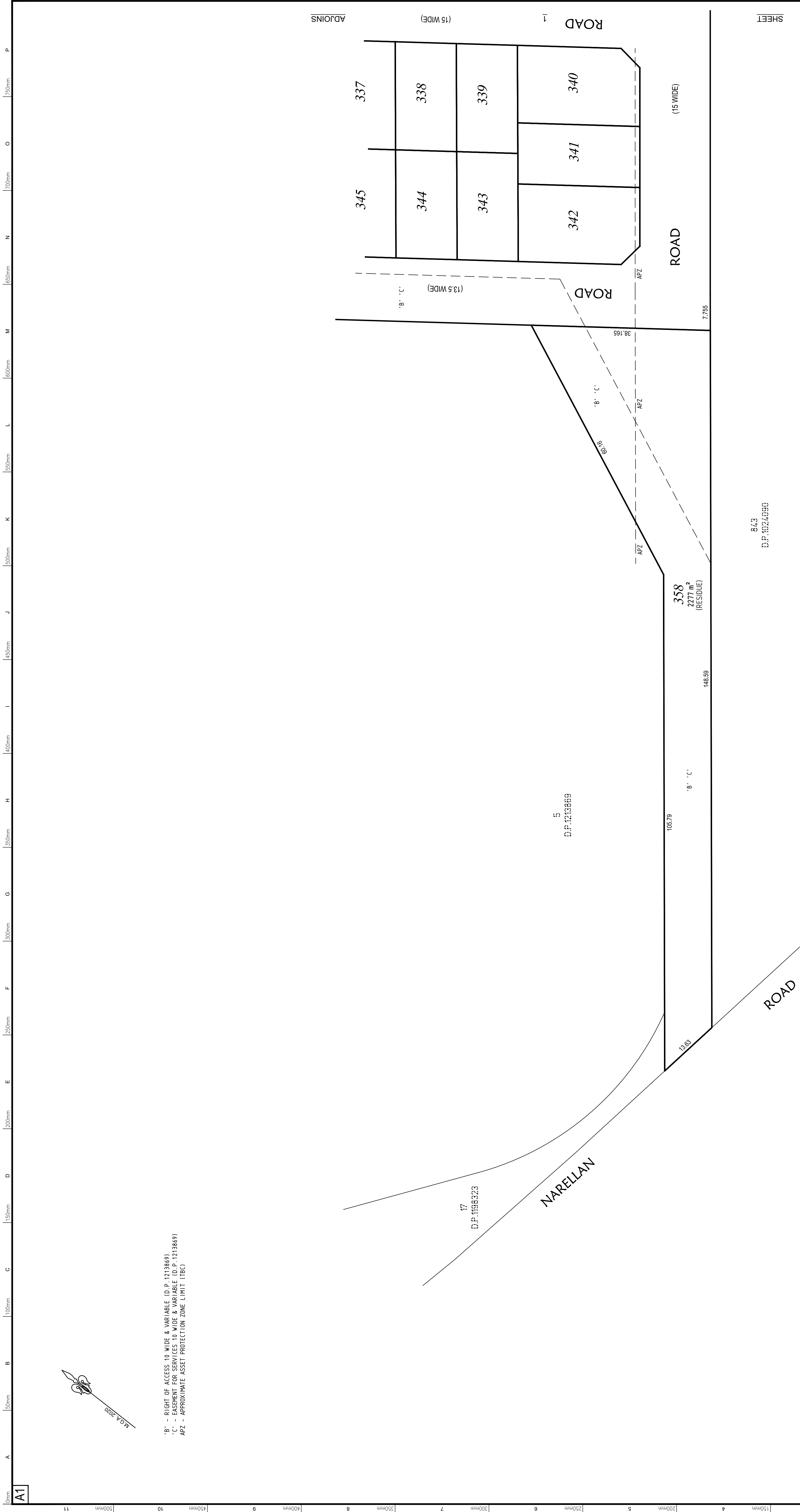
The Planning Agreement does not specify requirements that must be complied with prior to the issue of a construction certificate or an occupation certificate.

The Planning Agreement requires an instalment of the Development Contribution to be paid prior to the issue of the relevant subdivision certificate and therefore contains a restriction on the issue of a subdivision certificate within the meaning of section 6.15(1)(d) of the Act.

Indicative Plan of the Proposed Development

See following page.





PLAN NOT FOR NSW
LRS INVESTIGATION

PRELIMINARY PLAN ONLY LOT
DIMENSIONS AND AREAS SUBJECT
TO SURVEY & REGISTRATION OF
THE FINAL PLAN AT NSW LRS

PROPOSED EASEMENT LOCATIONS ARE INDICATIVE,
ONLY & SUBJECT TO DEVELOPMENT CONSENT,
DETAILED DESIGN, CONSTRUCTION, SURVEY &
REGISTRATION OF THE FINAL PLAN AT NSW LRS

CRAIG & RHODES TAKE THE LEAD		FRANCISCAN ORDER OF FRIARS MINOR	
PLAN OF PROPOSED SUBDIVISION OF LOT 3 D.P. 1218869 MARYFELLS DRIVE, NARELLAN		Project:	
 DIAL 1000 FOR POLICE USE ONLY		 ROADWORK AHEAD 100m	
 ROADWORK AHEAD 50m		 ROADWORK AHEAD 20m	
Principal:		Client Ref:	
Scale:		Scale:	
Date:		Date:	
Drawn:		Drawn:	
Proj. Man:		Proj. Man:	
G.A.		G.A.	
G.D.		G.D.	
Council Ref:		Council Ref:	
1:400		1:400	
6/12/2021		6/12/2021	
M.G.A. 2020		M.G.A. 2020	
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